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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, Plaintiff, v. JOHN FOX, Defendant.	CASE NO. CR 16-00281 JD **STIPULATION REGARDING RESTITUTION AND [PROPOSED] AMENDED ORDER** Court: Hon. James Donato

Defendant, John Fox, and the United States agree and stipulate as follows:

On January 10, 2017, the parties submitted a stipulation, proposed order, and attached spreadsheet regarding the restitution amount in this case. Though the stipulation and attached spreadsheet contained the correct restitution amount ($55,798,369.86), by error of government counsel, the proposed order submitted to this Court contained an earlier and slightly different calculation of the restitution amount ($55,658,667.45).

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On January 13, 2017, pursuant to the proposed order, the Court ordered $55,658,667.45 in restitution. The parties respectfully request that the Court issue the attached proposed amended restitution order for $55,798,369.86, which is the correct restitution amount as reflected in the attached table.

IT IS SO AGREED AND STIPULATED.

Dated: January 31, 2017

/s/
BENJAMIN KINGSLEY
Assistant United States Attorney

/s/
ROBERT BREAKSTONE
Attorney for Defendant John Fox

[PROPOSED] AMENDED RESTITUTION ORDER

Pursuant 18 U.S.C. § 3663A, defendant is ordered to pay $55,798,369.86 in restitution as part of the final judgment in this case. The Court finds that this is the amount of money that the victims lost as a result of defendant's scheme to defraud for which he has been convicted, and the Court finds that these losses were proximately caused by the scheme to defraud.

The Court orders that restitution be awarded to each victim in the amounts reflected on the attached table. As required by 18 U.S.C. § 3664(j)(1), no restitution payment shall be made to the three credit card issuers on the table (Universal Card, Inc. d/b/a Merchant Services; MSI Electronic Payments, LLC; and American Express Travel Related Service) until defendant has paid the entirety of the restitution owed to the customer and lender victims.

IT IS SO ORDERED.

Dated: ____________

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HON. JAMES DONATO
UNITED STATES DISTRICT JUDGE